



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
SARAH WHITE, *PRESERVATION PLANNER*
ETHAN LAY-SLEEPER, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2015-66
Date: September 16, 2015

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 23A Bow Street

Applicant Name: Healthy Options, LLC d/b/a The Juice Union
Applicant Address: P.O. Box 336, Somerville, MA 02143
Owner Name: Musician Realty Trust, LLC
Owner Address: 50 Woodfall Road, Belmont, MA 02478
Alderman: Robert J. McWatters

Legal Notice: Applicant, Healthy Options, LLC d/b/a The Juice Union, seeks a Special Permit with Design Review (SPD) per **SZO §7.11.10.2.1.a** to establish a fast order food establishment, and a Special Permit for parking relief per **§9.4** and alteration to a nonconforming structure per **§4.4.1. NB** zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – September 16, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an existing mixed-use building that contains three commercial storefronts on the ground floor. At the rear of this commercial portion of the structure is attached a late 19th/early 20th-century structure containing residential units on the second and third floors.
2. Proposal: The proposal affects the commercial storefront portion of the structure only. The applicant seeks Special Permits with Design Review to do the following:
 - 1 – change of use from office to fast-food,
 - 2 – parking relief for 1 parking space,
 - 3 – alter a non-conforming structure*.

*The lot is non-conforming in terms of percent of landscaped area.



3. Green Building Practices: None

4. Accessibility Narrative:

Accessibility Narrative Memorandum

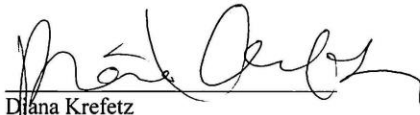
Re: Special Permit Application – Healthy Options LLC d/b/a “The Juice Union”

Location: 23A Bow St., Somerville, MA 02143

The project is located on the ground floor level of the building, directly off of the paved public sidewalk. The entrance has a level space on the interior and exterior of the entrance doors, complying with MAAB 25.2.

The existing door shall be replaced with a new door that is to have a clear opening of 32" minimum. The threshold will not exceed 1/2" in height and be beveled on both sides. Handles and pulls on the new door shall be easy to operate, as per MAAB 26.11.1.

The project's customer waiting area provides for a 5'-0" turning radius for a wheelchair. The point of sale/cash register is located on a service counter at a height of 36", with a length of no less than 36" as per MAAB 7.00.



Diana Krefetz
Registered Architect #50818
Krefetz Architecture LLC
244 Brighton Ave., Ste. 105
Allston, MA 02134
(617) 921-0074
dianakrefetz@gmail.com

5. Comments:

Fire Prevention: The smoke alarms need to be hard-wired.

Ward Alderman: Alderman Robert J. McWatters.



Fig. 1 Location of proposed unit at 23A Bow Street.

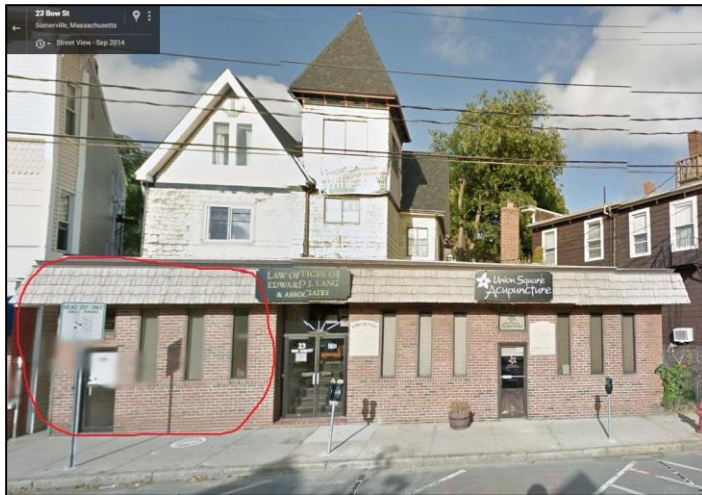


Fig. 2 Location of proposed unit at 23A Bow Street.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.10.2.1.a), (SZO §9.4), & (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §7.11.10.2.1.a, §9.4, and §4.4.1 of the SZO. This section of the report goes through these three sections of the SZO in detail.

1. Information Supplied:

- The Staff finds that the information provided by the Applicant conforms to the requirements of §7.11.10.2.1.a, §9.4 and §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

Pursuant to §7.11.10.2.1.a, regarding eating, drinking and transient establishments, the applicant requires a Special Permit with Design Review to change the use from office to fast food.

- Staff finds that the change of use from office to fast food is consistent with the purpose of the NB district and is consistent with other similar businesses in the neighborhood. The nature of the proposed juice bar is transient and the expectation that the majority of customers will walk to the business as it is not a destination-type of establishment; no seating is provided as the expectation is that consumers will be in-and-out in a short timeframe.

Pursuant to §4.4.1 of the SZO, the applicant requires a Special Permit due to not meeting the landscaped area requirement and to reconfigure the structure.

- The property is non-conforming with respect to the amount of landscaped area on the parcel. The application states that 29% of the parcel is landscaped. However, views of the site suggest that the landscaped area may be less than 29%. (See *Fig. 3* below.)



- In considering a special permit under §4.4.1 of the SZO, Staff finds that the interior reconfigurations proposed would not be substantially more detrimental to the neighborhood than what currently exists within this unit of the structure. The reconfiguration is a necessary measure in order to accommodate the production equipment, food storage and customer needs anticipated by the proposed business.

Pursuant to §9.4 of the SZO, the applicant is required to provide 1 parking space associated with the business.

- In considering a special permit under §9.4 of the SZO, Staff finds that the applicant should be provided relief from this parking requirement. Given that the nature of the business is transient, that the business is not a “destination” establishment and will not provide seating for its customers, the expectation is that customers will walk in and walk out in a quick fashion. This is a business in the NB district that is close to residential areas and small businesses and provides a substantial amount of ambulatory traffic to support the business.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

- The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.

- The proposal is consistent with the purpose of the NB district, which is “to establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.”

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

- The surrounding neighborhood is a mix of residential and small-scale retail stores, services and offices.
- There are few to no impacts from the proposal.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

- The proposal will not impact the existing stock of affordable housing.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

- The proposal will not contribute to the metrics of SomerVision.

III. RECOMMENDATION

Special Permit with Design Review under §7.11.10.2.1.a, §9.4 and §4.4.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to finish the basement. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>August 13, 2015</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>August 24, 2015</td><td>Revised plans submitted to OSPCD</td></tr><tr><td>September 2, 2015</td><td>Modified plans submitted to OSPCD (exterior elevations)</td></tr></table>				Date (Stamp Date)	Submission	August 13, 2015	Initial application submitted to the City Clerk’s Office	August 24, 2015	Revised plans submitted to OSPCD	September 2, 2015	Modified plans submitted to OSPCD (exterior elevations)
	Date (Stamp Date)				Submission							
	August 13, 2015				Initial application submitted to the City Clerk’s Office							
	August 24, 2015				Revised plans submitted to OSPCD							
September 2, 2015	Modified plans submitted to OSPCD (exterior elevations)											
Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
3	The signage shall be installed flat against the Mansard-style roof to the dimensions and color scheme submitted by the applicant for the September 16 ZBA hearing. No blade signs shall be approved.	CO	ISD/Plng.									
Final Sign-Off												
4	<u>The Applicant shall contact Planning Staff at least five (5) working days in advance of a request for a final inspection</u> by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.									

